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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,127	12/29/2003	Joseph T. Wissmann	600177-072	1749
74685	7590	08/14/2009		
IBM CORP. (LOT) C/O Ostrow Kaufman & Frankl LLP The Chrysler Building 405 Lexington Avenue, 62nd Floor NEW YORK, NY 10174			EXAMINER AHLUWALIA, NAVNEET K	
			ART UNIT	PAPER NUMBER
			2166	
			MAIL DATE	DELIVERY MODE
			08/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,127

Applicant(s)

WISSMANN ET AL.

Examiner

NAVNEET K. AHLUWALIA

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/19/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 10, 16, 17, 19, 21, 22, 24, 25, 32, 35-37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10, 16, 17, 19, 21, 22, 24, 25, 32, 35-37 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the Amendment filed 05/19/2009.

Response to Arguments

2. Claims 1 – 5, 7, 8, 10, 16, 17, 19, 21 – 22, 24, 25, 32, 35 – 37 and 39 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1 – 5, 7, 8, 10, 16, 17, 19, 21 – 22, 24, 25, 32, 35 – 37 and 39 remain rejected.

3. Applicant's arguments with respect to claims 1 – 5, 7, 8, 10, 16, 17, 19, 21 – 22, 24, 25, 32, 35 – 37 and 39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 5, 7, 8, 10, 16, 17, 19, 21 – 22, 24, 25, 32, 35 – 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tal et al. ('Tal' herein after) (US 7,107,589 B1) further in view of Carley et al. ('Carley' herein after) (US 6,701,345 B1).

With respect to claim 1, 16 and 32,

Tal discloses a method for synchronization of copies of a database, comprising: determining changes made to a schema of a first copy of the database, a copy of the database contains schema matching the schema of the database and maintains a history of schema changes including comparing a stored snapshot of the schema of the first copy of the database to a current schema of the first copy of the database (column 5 lines 4 – 25 and column 6 lines 36 – 43, Tal); generating a migration script that has been modified by one of a plurality of developers, according to a comparison of the changes made to the schema with the history of schema changes of the first copy of the database, the generation of the migration script being without the need to recreate any modifications by the one of the plurality of developers (column 3 lines 27 – 35, Tal); incorporating the migration script into a framework embedded in a version control system (column 3 lines 41 – 51, Tal); sending the framework having the migration script incorporated therein to a location of one or more other copies of the database for executing to update the one or more other copies of the database including sending the framework through a source code control system, the sending the framework being automatically delivered to the plurality of developers when the developers rebase to a latest version of a code base (Figures 1 – 3, column 5 lines 46 – 55, Tal).

Tal however does not disclose the storing of snapshots and reusing them to restore and migration explicitly as being claimed.

Carley teaches the storing of snapshots, reusing them to restore along with migration in column 62 lines 16 – 20, column 68 lines 33 – 38 and column 71 lines 36 – 48.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both references of record are directed in the same field of study namely maintenance of data in all its versions. Furthermore, Carley discloses the use of storing snapshots and reusing them to restore or recreate a version and also the migration in Carley improves on Tal's method to make it more consistent and reusable and accurate even if there may be multiple users or versions (column 62 lines 16 – 20, column 68 lines 33 – 38 and column 71 lines 36 – 48).

6. Claims 2 – 5, 7, 8, 10, 17, 19, 21 – 22, 24 – 25, 35 – 37 and 39 are rejected under the same rationale as claims 1, 16 and 32 above. For further citations see below.

With respect to claim 2, 17,

Tal discloses the method of claim 1, wherein the migration script includes SQL instructions (column 6 lines 20 – 36, Tal).

With respect to claim 3,

Tal discloses the method of claim 1, wherein the migration script includes instructions in the form of a derivative of SQL (column 6 lines 20 – 36, Tal).

With respect to claim 4,

Tal discloses the method of claim 1, wherein the migration script includes executable code (column 6 lines 57 – 67 and column 7 lines 1 – 15, Tal).

With respect to claim 5, 19 and 35,

Tal discloses the method of claim 4, wherein the executable code comprises Java code (column 7 lines 5 – 39, Tal).

With respect to claim 36,

Tal discloses the method of claim 1, wherein the step of reading the changes comprises comparing a stored snapshot of the schema of the first copy of the database to a current schema of the first copy of the database (column 9 lines 46 – 67 and column 10 lines 1 – 5, Tal).

With respect to claim 7, 21 and 36,

Tal discloses the method of claim 1, wherein at least one of the one or more other copies of the database comprises a master copy of the database (column 9 lines 11 – 26, Tal).

With respect to claim 8, 22 and 37,

Tal discloses the method of claim 1, wherein the step of sending comprises sending the framework by electronic mail (column 8 lines 57 – 62, Tal).

With respect to claim 24, and 39,

Tal discloses the method of claim 1, wherein the step of sending comprises sending the framework through a source code control system (column 8 lines 40 – 62, Tal).

With respect to claim 10, 25,

Tal discloses the method of claim 1, wherein the step of sending comprises sending the framework by storing the framework on a floppy disk and sending the floppy disk by a physical mail service (if the data was stored on a disk it would be obvious that it could be sent by physical mail, column 8 lines 57 – 62, Tal).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Navneet K. Ahluwalia/
Examiner, Art Unit 2166

Dated: 08/12/2009

/Khanh B. Pham/
Primary Examiner, Art Unit 2166